

REMARKS:

The Office action mailed August 21, 2003 in the application of which this is a continuation has been received and carefully considered. Reconsideration of the application in view of the present amendment is respectfully requested.

Claims 1 to 13 were rejected as anticipated by or obvious in view of various combinations of Gournay, et al. and Cotrel, et al. The Examiner has properly noted the basket disclosure in Gournay that indicates the removal print may be by interior or exterior. However, it is urged that the Examiner has gone beyond the teachings of Gournay and indicated that the top portion of the body of the closure includes the removal structure and that this could be placed externally. It is urged that it is improper to utilize applicant's disclosure as a template to modify the disclosure of Gournay, such that Gournay then either anticipates or makes applicant's claims obvious when combined with Cotrel. Nowhere in Gournay is there a teaching to remove part of the threaded external portion of the body in the area marked by the Examiner as the removal head and replace it with the claimed structure or how this would be done. It is well established in patent law that a basket type disclosure that indicates that something can be used but does not indicate how or in what way the structure could be incorporated does not make obvious an invention that does teach how to do so without other teachings that show one having ordinary skill in the art how to incorporate

such a structure. The Examiner has not cited any such teachings here.

The independent claims have been amended to better distinguish applicant's invention. In particular, the claims call for a removal head that has a different external cross section than both the driving head and the body which is not found in Gournay or Cotrel. The claims also call for the external surface of the removal head to be free of threads (as clearly taught in applicant's drawings) and which is not taught or suggested in any way by the two cited references. Clearly the removal head indicated by the Examiner in the Gournay reference has external threading and there is no teaching to place the removal head between the threaded body and the installation head.

Therefore, it is urged that Claims 1 to 13 are allowable in view of the art of record and notice to this effect is earnestly requested.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 11, 2004.

Roger P. Jackson  
(Applicant)

By



February 11, 2004

(Date of Signature)

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